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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/351,263	07/12/1999	DAN KIKINIS	P3304	9489

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CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004

EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 12/29/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/351,263

Applicant(s)

KIKINIS, DAN

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/22/03 has been entered.

Response to Amendment

2. The amendment filed 10/22/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: As claims 1, lines 16-17, the recitation "at the client communicator device regardless of whether or not the client device is connected to" is not disclose in the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 1 and 3-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As claims 1, lines 16-17, the recitation “at the client communicator device regardless of whether or not the client device is connected to” is not disclose in the specification. Please clarify.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As claim 1, lines 16-17, “the client communicator device” and “the client device” is vague and indefinite because they do not refer to any previous element. Do they are the same as a client communicator unit.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxemchuk (USP 6219346) in view of Buhrmann (USP 5903845).

Regarding claims 1, 3 and 5, Maxemchuk discloses (Fig 1-6 and col. 1-13) a wireless system operating with CSMA/CD coupling to a data network telephony (DNT) comprising a base station connected to a DNT capable data network and to a plurality of wireless transceivers, each transceiver transmitting to a distinct area, the base station adapted to operate the transceivers by two-way, narrow-band, multiple-channel, real-time duplex radio protocol (Fig 1 discloses a base station for coupling to plurality of transceivers and internet "DNT" wherein each of transceivers cover an service area and the transceivers operate in two way, narrow band, multi-channel, real time duplex radio protocol "transmitting voice packet on inbound and outbound frequencies in a narrow band") and a plurality of portable computer-enhanced client communicator units, including microphone and speaker apparatus, each assigned a unique address and adapted to communicate with the base station via the transceivers by the two-way real-time radio protocol and to process DNT calls (Fig 1 and 6 discloses a plurality of mobile units including a microphone and speaker for receiving and transmitting voice and data packet wherein each mobile has a unique address and using a two way real time protocol "a protocol used to transmit voice packet" and process a telephone call via a data network) and a hierarchical network of connected routers between the internet and a plurality of base stations, each connected to a transceiver wherein the base station and router maintain a routing table; wherein an mobile unit moves to another cell updating occurring in a minimum number of routers (Col 10, lines 12-34, discloses a base station maintaining a list of the mobile unit in the area for routing the received packet and updating the list when the mobile moves to another area).

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However, Maxemchuk does not disclose a personal router application executable on the base station, transceivers and client communicator units and individual clients are enabled, through the personal router application, to remotely edit routing rules unique to their own communicator Ids at the client communicator device regardless of whether or not the client device is connected to and communicating with the base station or transceivers and to upload the edited rules to the base station or one of transceivers for programming alternative actions for incoming calls. In the same field of endeavor, Buhrmann discloses (Figs 1-11 and col. 1, lines 5 to col. 13, lines 6) a personal router application executable on the base station, transceivers and client communicator units and individual clients are enabled, through the personal router application, to remotely edit routing rules for their own communicator Ids and to upload the edited rules to the base station or one of transceivers for programming alternative actions for incoming calls and the client communicator and base stations are interacted by personal routing function (Fig 9, the subscriber executes PIM 130 program in the mobile unit for editing routing rules for incoming calls regardless whether or not the client communicator unit is connected to the base station and uploading it to a SCP which has a routing application for executing the routing information by retrieving the profile from a database 108; See col. 3, lines 42 to col. 4, lines 44; col. 6, lines 5-53; col. 7, lines 25-65 and Fig 7 for routing a call based on user profile).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a personal router application for executing on the base station or transceiver and on the client mobile unit for editing the routing rules for their own mobile and uploading the edited rules to the base station or transceiver for using in routing incoming calls and the base station adapted to interact with client mobile in personal functions as disclosed by

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Buhrmann's system into Maxemchuk's system. The motivation would have been to provide a user with a real time control of the incoming calls.

Regarding claim 4, Maxemchuk discloses a base station maintaining a routing table listing addresses of the mobile unit operating in the area and updating the routing table when the mobile unit roaming from one area to another (Col 10, lines 12-34, discloses a base station maintaining a list of the mobile unit in the area for routing the received packet and updating the list when the mobile moves to another area).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wolff (USP 5327486) discloses a method and system for managing telecommunications such as telephone calls.

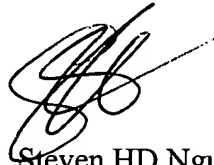
Buhrmann (USP 5933778) discloses a method and system for providing telecommunication services based on a subscriber updated by PIM.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen
Primary Examiner
Art Unit 2665
12/19/2003